

**U.S. Pat. Appl. Ser. No. 10/019,894
Att. Docket No. 10191/2142
Response to May 6, 2003 Office Action**

REMARKS

Claims 6 to 10 are now pending.

A Supplemental IDS and PTO-1449 form accompany this response, and cites U.S. Patent No. 6,334,089, which apparently refers to a section-by-section transmission of route data, but does not in any way describe or suggest transmitting delta information for route calculation to a stationary navigation system.

With respect to paragraph two (2) of the Office Action, claims 6 to 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Roeseler et al., U.S. Patent No. 6,317,684.

To anticipate a claim under § 102, a single prior art reference must identically describe each and every claim element. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference of each and every element of the claim, arranged as in the claim. Lindeman, 703 F.2d 1458.

Claim 6 includes the feature of “determining a route in the on-board vehicle navigation system in a vehicle”. Claim 8 includes the feature of “transmitting information from a control center to an on-board vehicle navigation system in a vehicle”. Claim 9 includes the feature of a “vehicle navigation system for use in a vehicle”, including “a determining arrangement to determine a route in the vehicle navigation system”. Claim 10 includes the feature of “transmitting information from a control center to an on-board vehicle navigation system in a vehicle”.

The Roeseler reference refers to a “route planning and navigation system”, which is provided by the route planning and navigation service would help callers arrive at a destination by providing, for example, turn-by-turn directions to a destination through the use of a portable communication device. In a route planning phase, the route planning and navigation system would receive a destination address from a caller and any possible intermediate points or waypoints (or any other preference, like a road along a river), plan the route based on a dynamic map database, and output the planned route to the caller for approval. If the caller accepts the route, the caller then may then receive directions from the route planning and navigation system while enroute to the destination. (See Roeseler, Col. 3,

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lines 10-23). According to the Roeseler reference, the caller in a vehicle uses a portable communication device, in the vehicle, to send a destination address to a route planning and navigation system that determines a route. The Roeseler reference does not identically describe (or even suggest) determination of the route in an on-board vehicle navigation system nor transmission of information to an on-board vehicle navigation system.

Accordingly, claims 6 and 9 are not anticipated by the Roeseler reference because in claims 6 and 9 a route is determined in an on-board vehicle navigation system. Also, claims 8 and 10 are not anticipated by the Roeseler reference because in claims 8 and 10 information is transmitted to an on-board vehicle navigation system. Claim 7 depends on claim 6 and is allowable for the same reasons as claim 6. It is therefore respectfully requested that the anticipation rejections be withdrawn as to claims 6 to 10, since claims 6 to 10 are allowable.

With respect to paragraph three (3), claims 6, 7 and 9 were rejected under 35 U.S.C. § 102(e) as anticipated by Seibel, U.S. Patent No. 6,484,092.

First, Seibel is not prior art under 35 U.S.C. § 102(e), since the present application has a German priority date of April 29, 2000, which is before the March 28, 2001 filing date of the Seibel reference. A certified English translation of German priority patent application no. 10021171.2 accompanies this response.

Substantively, claims 6 and 9 provide that “only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system”.

In contrast, the system in the Seibel reference apparently involves dynamic condition information that “may comprise any data relevant to routes traversed or potentially traversed by a user.” For instance, dynamic condition information 160 may include dynamic and static information relating to predicted weather, current weather, current road conditions (e.g., lane closures or road closings), and current traffic conditions, as well as time-, date-, and season-specific information. Availability of critical resources, such as a ferry, may also be included in dynamic condition information 160.” (See Seibel, col. 3, lines 12-22).

The Seibel reference does not identically describe the feature of the information being transmitted to the vehicle navigation system, as recited in the context of claims 6 and 9. In particular, claims 6 and 9 are not anticipated by the Seibel reference because in claims 6 and

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9, the information to be transmitted to the vehicle navigation system is limited such that "only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system".

It is therefore respectfully requested that the anticipation rejections be withdrawn as to claims 6 and 9, as well as claim 7 since it depends on claim 6 and is therefore allowable for the same reasons as claim 6.

With respect to paragraph four (4), claims 6, 7 and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Oberstein, U.S. Patent No. 6,028,553.

Claims 6 and 9 each provide for transmission of "information from a control center to the vehicle information system for use in providing optimized route planning, wherein only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system".

In contrast, the Oberstein reference only refers to a system including a traffic routing and information central that "calculates the route only from exactly one starting point to the destination and no longer from a plurality of possible starting points." As stated, the same thing is repeated as soon as a driver intentionally or mistakenly leaves his recommended route and wishes to be phased back in. As stated, since the self-sufficient navigation device only has static data available, a route could be currently blocked due to current conditions, for example due to a construction site, whereby this route can be located between the starting position of the vehicle and the position for the anticipated reply. As further stated, given this unfavorable situation, it can then occur that the driver no longer arrives on the route segment planned by the self-sufficient navigation device. (See Oberstein, col. 3, lines 50-62).

Accordingly, the Oberstein reference does not identically describe (or even suggest) the feature of transmitting information representing required necessary deviations from a previously determined route for driving an alternative section of the route to the vehicle navigation system. In the Oberstein reference, the traffic routing and information central transmits route information when the vehicle is intentionally or mistakenly take off the determined route due to the driver. The system in the Oberstein reference does not transmit

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} information to provide optimized route planning.

Hence, claims 6 and 9 are not anticipated by the Oberstein reference because in claims 6 and 9, information is transmitted "from a control center to the vehicle information system for use in providing optimized route planning, wherein only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system."

In view of the above, it is respectfully requested that the anticipation rejections be withdrawn as to claims 6 and 9, as well as claim 7 since it depends on claim 6 and is allowable for the same reasons as claim 6.

In summary, the Roeseler does not describe or suggest providing a device in a vehicle for providing a route calculation, since the route calculation is only performed externally, as referred to in its abstract. In addition, Roeseler does not describe or suggest limiting the transmission of route data to transmitting only difference data (delta information), since in column 3, lines 42 to 49, it indicates that, after the calculation of a new route, the entire route is always transmitted to the vehicle. Also, Seibel is not related art as to the presently claimed subject matter, as explained herein. Finally, in Oberstein, a route is calculated in the vehicle and requested, if necessary, supported by a control center, but for the case in which route data are actually transmitted, the entire route is transmitted (column 4, lines 1 to 4) and is independent of the database that is in the vehicle. Accordingly, Oberstein does not describe or suggest limiting the transmission to delta information -- that is, precisely to information that is not present in the vehicle, but is present in the data center, so that this reference cannot make obvious the presently claimed subject matter.

In summary, it is respectfully submitted that all of claims 6 to 10 are allowable for the foregoing reasons.

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CONCLUSION

In view of all of the above, it is believed that the rejections have been obviated, and that claims 6 to 10 are allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

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Respectfully submitted,

By:

Richard L. Mayer
(Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

*Richard Mayer T. B. P.
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33,865
Aaron C.
D.E.P., 5/21/03*

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